

1.1 BACKGROUND AND PROJECT OVERVIEW

■ Proposed Project

The proposed Huntington Beach Senior Center Project (proposed project) has not changed since preparation of the Draft EIR in 2007 and includes construction of an approximately 45,000-square-foot (sf) multi-purpose senior center on a 5-acre parcel of undeveloped land within the Huntington Central Park to replace the existing senior center located at 1706 Orange Avenue. The 5-acre development would comprise the senior center building, surface parking areas, shuttle bus parking areas, and outdoor areas. Landscaping around the building and parking lot would be drought-tolerant, low-water-usage-type vegetation. The proposed project would be used for a variety of recreational programs and activities serving senior citizens, including the Senior Outreach Programs as well as public meetings or receptions when not occupied by primary functions. Rooms within the building would include multi-use rooms and classrooms, a community hall, group exercise room, fitness room, arts/crafts room, kitchen, dance room, lobby, and an administrative area.

Implementation of the proposed project would also include a General Plan Amendment (GPA) to incorporate the Central Park Master Plan into the Recreation and Community Services Element and update it to accommodate the proposed senior center project by re-designating the 5-acre site for “high intensity” uses.

As the proposed project has not changed since preparation of the Draft EIR in 2007 and existing conditions on the project site are consistent with those described in the Draft EIR, impacts identified in the Draft EIR remain substantially true. Specifically, impacts to Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Hydrology/Water Quality, Hazards and Hazardous Materials, Noise, Public Services, and Utilities/Service Systems have not changed. However, the setting for each issue area has been updated to reflect changes in applicable regulations. Where additional analysis is required in order to comply with revised regulations or conditions have changed, analysis has been provided. Issue areas where additional analysis has been performed include Air Quality (to update the Air Quality analysis and include a Greenhouse Gas Emissions analysis), Land Use/Planning, Recreation, and Transportation/Traffic.

■ Background

In 2005, the City of Huntington Beach commissioned the architectural firm of LPA, Inc. and TSMG, Inc., to study the feasibility of constructing and operating a new senior center for its senior population. This feasibility study (finalized in March 2006) identified that a building in excess of 45,000 square feet (sf) would be required to meet the anticipated senior population needs and the preferred site of the proposed structure was determined to be the City’s Central Park. Through the findings and recommendations presented in the Feasibility Study, the City of Huntington Beach Measure T was

passed in the November 2006 election, which proposed the new senior center on a 5-acre site in Central Park.

The Central Park site of the proposed senior center was previously analyzed as part of the City's 1999 Master Environmental Impact Report (EIR) for the Master Plan of Recreation Uses for Central Park (Master EIR). That EIR considered program and project-level improvements for a 157.5-acre study area. At the time that EIR was prepared, the proposed senior center site was considered for use as a low-intensity recreation area, although this use was never developed.

Subsequent to the feasibility study and Master EIR, an EIR for the proposed senior center project on a 5-acre portion of Central Park was prepared in 2007. In late 2007, the Final Huntington Beach Senior Center EIR (Final EIR) (EIR No. 07-002) was certified by the City's Planning Commission, at the same time they approved a Conditional Use Permit (CUP No. 07-039) for the proposed use. The City's mayor filed an appeal of this CUP approval and Final EIR certification. After a public hearing on the appeal in early 2008, the City Council voted to approve the resolution certifying the Final EIR and approving the CUP.

The following month (March 2008), Parks Legal Defense Fund filed suit against the City, the approval of the CUP, and the certification of the EIR alleging the following (not in order of importance):

1. Certification of the EIR violated the California Environmental Quality Act (CEQA) in that it failed to consider a "reasonable range of alternatives" including possible school sites that became available after the Draft EIR had been prepared, but before the Final EIR was certified.
2. The City violated CEQA and City Charter Section 612 by approving the project without voter approval required by Measure T.
3. The City violated the General Plan and failed to modify the General Plan or Zoning Ordinance to accommodate the proposed senior center project.
4. The City's intended use of the park in-lieu fees from a downtown project to fund construction of the proposed senior center violated the Quimby Act.

On February 10, 2009, the trial court denied Parks' Charter Section 612 claim (Point 2, above). Later that year, during a second trial (December 15, 2009), the trial court entered a judgment in Park's favor of the remaining three claims (Points 1, 3, and 4, above). The City subsequently appealed that judgment, with Parks filing a cross-appeal on the Charter Section 612 judgment (Point 2). On December 13, 2010, the Court of Appeal issued the final judgment in the City's favor on the Charter Section 612 issue and Quimby Act claims (Points 2 and 4), ruling in favor of Parks on the EIR and General Plan claims (Points 1 and 3). The judgment was for the City to set aside their approval of CUP No. 07-039 regarding the proposed senior center project such that a General Plan Amendment could be processed, pursuant to Point 3. The judgment also included a set aside of the City Council's certification of the Final EIR (EIR No. 07-002) so that a subsequent EIR could be prepared.

1.2 ENVIRONMENTAL REVIEW PROCESS

As a first step in complying with the procedural requirements of CEQA, the City prepared an Initial Study (IS) to determine whether any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment and, if so, to narrow the focus (or scope) of the environmental

analysis. After completion of the IS, the City filed a Notice of Preparation (NOP) and the IS/NOP was distributed to appropriate public agencies for a 30-day public review period. The review period began on April 4, 2007, and ended on May 4, 2007. A scoping meeting was held on April 19, 2007. During the scoping period, the City received 11 written comment letters on the IS/NOP in addition to the verbal comments received at the scoping meeting. The IS/NOP, as well as the scoping comment letters and verbal comments, are included in Appendix 1 of this Subsequent EIR.

Agencies, organizations, and persons who the City believed may have an interest in this project were specifically contacted during the preparation of the Draft EIR. Information, data, and observations from these contacts are included in the Draft EIR. Agencies or interested persons who did not respond during the public review period of the IS/NOP had an opportunity to comment during the 45-day public review period of the Draft EIR, as well as at subsequent hearings on the project. The Draft EIR was distributed to affected agencies, surrounding cities, and interested parties for a 45-day review period in accordance with CEQA Guidelines Section 15087. The 45-day public review period for the Draft EIR began on September 17, 2007 and ended on October 31, 2007. The Draft EIR was available for review at the following locations:

City of Huntington Beach, Planning and Building Department
2000 Main Street
Huntington Beach, CA 92648

City of Huntington Beach, City Clerk's Office
2000 Main Street
Huntington Beach, CA 92648

Central Library and Cultural Center
7111 Talbert Avenue
Huntington Beach, CA 92648

Documents were also available for viewing and download online at <http://www.surfcity-hb.org/CityDepartments/planning/major/>. All documents incorporated by reference in the Draft EIR were also available for review at the City.

Upon completion of the 45-day public review period, written responses to all environmental comments received by public agencies and the public during the review period were reviewed. These comments, and their responses, were included in the Final EIR for consideration by the City of Huntington Beach Planning Commission, as well as any other public decision-makers. Furthermore, written responses to comments received from public agencies were made available to those agencies at least 10 days prior to the public hearing when the Final EIR was certified. The Final EIR and CUP were ultimately certified and approved, respectively, by the City Council in February 2008. As required by CEQA, a Notice of Determination (NOD) was filed within 5 days of project approval.

As discussed in Section 1.2, in March 2008 Parks Legal Defense Fund (Parks) filed suit against the City and the case was reviewed by the lower and higher Courts. Ultimately, on December 13, 2010, the judgment from the Court of Appeals was for the City to set aside approval of CUP No. 07-039 and set aside certification of the Final EIR (EIR No. 07-002) so that a Subsequent EIR could be prepared.

Per final judgment ruling by the Court of Appeals, this Subsequent EIR has been prepared in accordance with CEQA Guidelines Section 15162(3), which identifies that new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified has become available. The Subsequent EIR will be distributed to affected agencies, surrounding cities, and interested parties for a 45-day review period (the same review afforded the Draft EIR) in accordance with CEQA Guidelines Section 15087. The Subsequent EIR will be available for review at the following locations identified above as well as online at http://www.huntingtonbeachca.gov/government/departments/Planning/major/senior_center.cfm.

1.3 EIR ADEQUACY

The level of detail contained throughout this EIR is consistent with the CEQA Guidelines and recent court decisions, which provide the standard of adequacy on which this document is based. The Guidelines state as follows:

Section 15151:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information, which enables them to make a decision, which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.

Section 15162:

When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the

environment, but the project proponents decline to adopt the mitigation measure or alternative.

1.4 INTENDED USE OF THE EIR

As previously mentioned, this Subsequent EIR is intended to provide decision-makers and the public with information that enables them to consider the environmental consequences of the proposed project and additional project alternatives to which comparison can be made. EIRs not only identify significant or potentially significant environmental effects, but also identify ways in which those impacts can be reduced to less than significant levels, whether through the imposition of mitigation measures or through the implementation of specific alternatives to the project. In a practical sense, EIRs function as a technique for fact-finding, allowing an applicant, concerned citizens, and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

To gain the most value from this report, certain key points should be kept in mind:

- This report should be used as a tool to give the reader an overview of the possible ramifications of the proposed project.
- A specific environmental impact is not necessarily irreversible or permanent. Most impacts, particularly in urban, more developed areas, can be wholly or partially mitigated by incorporating conditions of approval and/or changes recommended in this report during the design and construction phases of project development.
- This report, while a summary of facts, reflects the professional judgment of the authors. The EIR was prepared by consultants retained by the City and by City staff, and was subject to the independent review and judgment of the City. The City independently reviewed and analyzed the EIR for the proposed project, and the EIR reflects the independent judgment of the City.

1.5 SCOPE OF THE SUBSEQUENT EIR

This Subsequent EIR provides a project-specific analysis of the potential environmental effects of the proposed project. The scope of the EIR includes issues identified by the City of Huntington Beach during the preparation of the IS/NOP, comment letters received during the IS/NOP review period, comments received at the scoping meeting and as analyzed in the Draft EIR.

Based on the potential impacts of the proposed project, this Subsequent EIR evaluates the following environmental issues as identified in 2011 CEQA Guidelines Appendix G:

- Aesthetics
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Noise

- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems

Where information or conditions have changed since preparation of the Draft EIR, this circumstance is noted. If changes in circumstances have not occurred, the analysis typically was not altered because the characteristics of the proposed project have not changed. When the Draft EIR was prepared in 2007, Climate Change and Greenhouse Gas Emissions were not issues considered under CEQA. Since that time, two thresholds of significance have been added to the CEQA Guidelines to address this issue. As such, an analysis of Greenhouse Gas Emissions has been added to Section 4.2 (Air Quality and Greenhouse Gas Emissions).

In accordance with CEQA Guidelines Section 15128 (Effects Not Found to Be Significant), the IS/NOP (Appendix 1) provides reasons why certain environmental impacts were not considered significant and, therefore, are not addressed further. These include the following issue areas:

- Agricultural Resources
- Mineral Resources
- Population/Housing

In preparing the EIR, pertinent city policies and guidelines, existing EIRs, and background documents prepared by the City were all evaluated for its applicability to the proposed project. A list of references is provided at the end of each issue area section in Chapter 4 (Environmental Analysis).

1.6 PROJECT SPONSORS AND CONTACT PERSONS

The City of Huntington Beach is both the Applicant and the lead agency for the preparation of this Subsequent EIR. Atkins, formerly PBS&J, is the environmental consultant to the City and the principal preparer of this Subsequent EIR. Key contact persons are as follows:

Lead Agency:	City of Huntington Beach Department of Planning 2000 Main Street Huntington Beach, CA 92648
Lead Agency Contact:	Jennifer Villaseñor, Senior Planner (714) 374-1661 jvillasenor@surfcity-hb.org
Project Applicant:	City of Huntington Beach
EIR Consultant:	Atkins 12301 Wilshire Boulevard, Suite 430 Los Angeles, CA 90025

1.7 DOCUMENT ORGANIZATION

This Subsequent EIR has been designed for easy use and reference. To help the reader locate information of particular interest, a brief summary of the contents of each chapter of the EIR is provided. The following chapters are contained within the EIR:

- **Chapter 1: Introduction**—This chapter provides an overview of the proposed project, the project and legal background, the environmental process, and document organization.
- **Chapter 2: Executive Summary**—This chapter summarizes the characteristics of the proposed project, the environmental impacts, mitigation measures, and residual impacts with the proposed project.
- **Chapter 3: Project Description**—This chapter includes the location and boundaries of the proposed project; project objectives; a general description of technical, economic, and environmental characteristics; and intended uses of the EIR.
- **Chapter 4: Environmental Impact Analysis**—This chapter describes and evaluates the environmental issue areas, including the existing environmental setting, applicable environmental thresholds, environmental impacts (short term, long term, direct, and indirect), policy considerations related to the particular environmental issue area under analysis, and feasible mitigation measures capable of minimizing environmental harm. This chapter has been updated to reflect the current existing conditions to identify any potentially new impacts, by which the alternatives comparison will be made.
- **Chapter 5: Other CEQA Considerations**—This chapter provides a summary of the proposed project's potential to lead to population growth and the indirect implications of that growth on the city; summarizes the discussion of cumulative impacts, provides a list of proposed project impacts that are significant and unavoidable by issue area; and identifies the irreversible changes to the natural environment resulting from the proposed project.
- **Chapter 6: Alternatives to the Proposed Project**—This chapter analyzes feasible alternatives to the proposed project, which include seven alternatives including four additional alternative sites per final the ruling by the Court of Appeals.
- **Chapter 7: List of EIR Preparers**—This chapter identifies all individuals responsible for the preparation of this report.

1.8 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

The discussion of environmental effects, mitigation measures, and alternatives, as summarized in Table 2-2 in Chapter 2 (Summary) and evaluated in detail in this Subsequent EIR, constitutes the identification of issues to be resolved and areas of controversy, as required for compliance with CEQA Guidelines Sections 15123(b)(2) and 15123(b)(3). Additionally, oral and written comments received during the public review period for the IS/NOP indicated that areas of controversy and potential issues to be resolved included the following: (1) aesthetics, (2) air quality, (3) biological resources, (4) cultural resources, (5) geology and seismicity, (6) hydrology, (7) noise, (8) traffic, (9) recreation, and (10) alternatives. These issues are addressed within Section 4.1 (Aesthetics), Section 4.2 (Air Quality and Greenhouse Gas Emissions), Section 4.3 (Biological Resources), Section 4.4 (Cultural Resources), Section 4.5 (Geology/Soils), Section 4.7 (Hydrology/Water Quality), Section 4.9 (Noise), Section 4.11

(Recreation), Section 4.12 (Transportation/Traffic), and Chapter 6 (Alternatives to the Proposed Project), respectively.

This Subsequent EIR also addresses the legal challenge brought forward by Parks and the subsequent judgment by the Courts of Appeals. As such, this Subsequent EIR includes the following changes to the 2007 Draft EIR and 2008 Final EIR:

- The Subsequent EIR includes four additional alternatives per the final judgment by the Court of Appeals. Additional alternatives were analyzed but determined to be infeasible. The new alternative analysis includes an examination of the potential environmental impacts associated with each alternative in comparison to the proposed project. This analysis includes the Kettler School site which was specifically identified by the petitioner.
- The EIR has been updated per the final judgment ruling by the Court of Appeals. For example the Project Description and Land Use section has been updated to incorporate the GPA requirement per the final judgment ruling by the Court of Appeals.
- Where appropriate, the baseline conditions of the 2007 EIR have been updated to reflect the current baseline conditions of 2011 to identify potential changes in project impacts. This was also necessary to ensure that all impacts identified for the project alternatives could be adequately compared to the proposed project's impacts. For example, population in the City of Huntington Beach has changed from 2007 to 2011; the cumulative project list has been updated to reflect the current status of related projects within the City of Huntington Beach; database research for Hazards and Hazardous Materials and Biological Resources has been updated to reflect current conditions.
- The CEQA thresholds of significance have been updated to reflect Appendix G of the 2011 CEQA Guidelines. Appropriate analysis of project impacts was updated to determine any changes in project related impacts. For example, the 2011 CEQA Guidelines altered the wording of two traffic thresholds. The analysis of the traffic section has been updated to reflect these changes in the 2011 CEQA Guidelines. It should be noted that in the amendments to the CEQA Guidelines in 2011, the previous threshold regarding parking impacts was removed. However, the City of Huntington Beach did not remove the parking threshold from their Initial Study Checklist; therefore, this threshold continues to be addressed in the Subsequent EIR.

In addition, the Agricultural Resources thresholds were updated to include forestry resources. However, Agricultural Resources was scoped out during the IS-NOP process. The inclusion of forestry resources would not alter the determination of the IS-NOP findings. The project site and surrounding area is largely urbanized and there are no forestlands or timberlands proximate to the proposed project area. The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned as Timberland Production; nor would there be a loss or conversion of forest land to nonforest uses for development. Impacts to Agricultural and Forestry Resources with the new updated thresholds would continue to have no impact and would remain scoped out of the EIR as determined in the IS-NOP process.

- Regulatory settings for each issue area have been updated to identify any changes to federal, State, regional and local regulatory guidelines since 2007.
- A site visit was conducted in August 2011 to document any changes at the project site since 2007.

This Subsequent EIR is subject to the requirements of the CEQA Guidelines Section 15162(3), where new information of substantial importance, which was not known and could not have been known with

the exercise of reasonable diligence at the time the previous EIR was certified. At the time of the previous EIR, the school sites identified by the Petitioner were not known to have been surplus property of the school district and were not available for sale. As such, these sites were not included in the alternatives analysis. The Subsequent EIR updates baseline conditions to reflect the current existing conditions by which project impacts were confirmed or reanalyzed. This allowed for a sufficient and accurate analysis and comparison of all impacts. This report is to serve as an informational document for the public and the City of Huntington Beach decision-makers. The process will culminate with a hearing before the Planning Commission and City Council for consideration of the proposed project.

